

Attorney Docket No. 338.071

U.S. Patent No. 6,214,400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zittel, et al.

Art Unit: 1761

Re-issue Serial No.: 10/791,694

Examiner: Drew E. Becker

Filing Date: March 2, 2004

Confirmation No.: 8765

Title: **Method for Processing Food Product**

USPTO Customer No. 23598

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

Lyco Manufacturing, Inc. ("the Owner"), the owner of 100 percent interest in United States Patent Application Serial Number **10/791,694**, ("the instant application") by virtue of an assignment dated **October 14, 1999** and duly recorded at **Reel/Frame 010323/0775** of the United States Patent and Trademark Office's recordation system, hereby disclaims, except as provided below, the

terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior United States Patent Numbers **5,133,249**, **5,456,091**, **6,187,360**, and **6,263,785** (“the prior patents”). The Owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of either of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record.

The Commissioner is authorized to charge the amount of \$65 in payment of the terminal disclaimer fee for a small entity under 37 CFR §1.20(d). No additional fee is believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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Dated: June 19, 2006

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